

OKLAHOMA FUNERAL BOARD  
3700 North Classen Blvd, Suite 175  
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street  
Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

DATE & TIME: January 12, 2023 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on January 9, 2023 at 1:30PM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to [info@funeral.ok.gov](mailto:info@funeral.ok.gov).

\*\*\* This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call
2. Approval of the December 8, 2022 Regular Board meeting minutes
3. Oklahoma Funeral Director Association Update from a Representative of OKFDA
4. Oklahoma Insurance Department Update from a Representative of OID
5. Review complaints with possible vote for probable cause or other action
  - 22-40 Not Paying Vendor
  - 23-24 Body Intake Log Issues
6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 19-36 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Member Vice needs to be recused.

6B. Complaint 20-39 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Member Vice needs to be recused.

6C. Complaint 21-55 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC,

Enid. Member Vice needs to be recused.

6D. Complaint 23-08 People's Cooperative Funeral Home, Establishment, Lone Wolf; People's Cooperative Funeral Home, Inc., Owner; Essie Smith, FDIC. Member Highberger needs to be recused.

6E. Complaint 23-14 Wharton Funeral Chapel LLC, Establishment, Alva; Wharton Funeral Chapel LLC, Owner; Robert Wharton, FDIC. Member Matherly needs to be recused.

7. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Philip Seeley, Stillwater, Strode FH, Stillwater
2. Kimberly Lucas, Choctaw, Barnes Friederich FH, MWC
3. Harlea Walker, Broken Arrow, Rice FS, Claremore
4. Tara Cook, Tulsa, Dillon FS, Sand Springs (FD Only)
5. Aidan Parker, OKC, Chapel Hill, OKC
6. Kyla Searcy, Tahlequah, Reed Culver FH, Tahlequah
7. Edward Eschiti, Walters, Southern Plains Mortuary, Walters (EM Only)

B. Apprenticeship (1st extension)

1. Raymond Rogers, Miami, Paul Thomas FH, Miami
2. Hellen Yosef, OKC, Crawford, Edmond (FD Only)

C. Apprenticeship (2nd extension)

1. Ashley King, Edmond, Chapel Hill, OKC

D. Apprenticeship (3rd extension)

1. William Swanson, Yukon, Crawford, Edmond

E. Funeral Director and/or Embalmer (Reciprocal)

1. Kyle Dungan, Texas
2. Stuart Thompson, Texas
3. Desirae Davis, Iowa (EM Only)
4. April Bellotte, Texas

F. Funeral Director and/or Embalmer (Original)

1. Paige Goodman, OKC
2. Rulon Davis Sr, Edmond (FD Only)
3. Jennifer Pointer, Durant (FD Only)
4. Haley Ireland, Moore (FD Only)
5. Isaac Brown, Wellston (FD Only)
6. Chantal Hernandez, Yukon

G. Establishments

1. Estes-Phillips Funeral Home, Ada, request to change name to Smith-Phillips Funeral Home
2. Lanman Funeral Home Inc., Okeene, request to change FDIC from Irene Lanman to John Decker
3. Lanman Funeral Home Inc., Cherokee, request to change FDIC from Irene Lanman to John Decker
4. Knight-Swearingen Funeral Home, Inc., Maud, request to change name to Swearingen Funeral Home-Maud

5. Adamscrest Funeral Service, Tulsa, request to change name to Reynolds + Adamscrest Funeral Service
6. Kiesau-Lee FH, Clinton, request to change FDIC from Troy Lee to Brandon Lee
7. Park Brothers FS, Chandler, request to change FDIC from Erin Bradley to Patti Gonzalez-Carter
8. Roberts-Reed-Culver FH, Stilwell, request to change FDIC from Gabrielle Gray to Ashley Armstrong
9. Roberts & Hart FH, Westville, request to change FDIC from Gabrielle Gray to Ashley Armstrong
10. Dighton Moore, Owasso, request to change FDIC from Preston McCurtain to Deena Nickerson
11. Mt. Olive FH, Hugo, request to close establishment
12. Prater-Lampton-Mills & Coffey FH, Hugo, request to close establishment
13. Holmes-Coffey-Murray FH, Durant, request to close establishment
14. Affordable Cremation, OKC, request to close establishment
15. Community FH, Guthrie, request to close establishment
16. Smith FH, Sapulpa, request to close establishment
17. Rice FS & CremationCare+, Catoosa, request to close establishment
18. Rice FS & Cremation Care, Claremore, request to close establishment
19. Mt. Olive FH, Hugo, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Alan Cowley, FDIC

20. Prater-Lampton-Mills & Coffey FH, Hugo, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner, Alan Cowley, FDIC
21. Holmes-Coffey-Murray FH, Durant, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner, Merle Soltis, FDIC
22. Affordable Cremation, OKC, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner, Lyndel Hamilton, FDIC
23. Community FH, Guthrie, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner, Lyndel Hamilton, FDIC
24. Smith FH, Sapulpa, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner Danilo Gatón, FDIC
25. Rice FS & CremationCare+, Catoosa, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner, Daniel Collier, FDIC
26. Rice FS & Cremation Care, Claremore, New Establishment, Beacon Funeral Partners (Oklahoma) LLC, Owner, Daniel Collier, FDIC
27. Ray and Martha's FH, Anadarko, request to change FDIC from Nelson Dougherty to Tammy Marshall
28. Ray and Martha's FH, Carnegie, request to change FDIC from Nelson Dougherty to Tammy Marshall
29. Ray and Martha's FH, Mountain View, request to change FDIC from Nelson Dougherty to Tammy Marshall
30. Green Country FH, Tahlequah, request to change name to Green Country Funeral Home LLC

#### H. Crematories

1. S.P.S Crematory, Hugo, request to close crematory

2. Green Country Cremation Center, Sapulpa, request to close crematory
  3. S.P.S Crematory, Hugo, New Crematory, Beacon Funeral Partners (Oklahoma)LLC, Owner, Alan Cowley, FDIC
  4. Green Country Cremation Center, Sapulpa, New Crematory, Beacon Funeral Partners (Oklahoma)LLC, Owner, Danilo Gaton, FDIC
8. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
9. **Executive Director's Report**
- A. Agency Financial Update
10. Discussion and possible action regarding request for interpretation of Board Rule
11. Adjournment

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Tyler Stiles, MBA  
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:  
February 9, 2023. Office of Chief Medical Examiner –OKC 921 N.E. 23<sup>rd</sup> Street  
Conference Room – 1<sup>st</sup> Floor Oklahoma City, OK 73105.



## MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD  
3700 N. Classen, Suite 175  
Oklahoma City, Oklahoma 73118

December 8, 2022

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### BOARD MEMBERS

Tom Coble  
Darin Corbett  
Joe Highberger  
Brent Matherly  
Jim Roberts  
Mike Sanders  
Chad Vice

### STAFF

Rochelle Covington  
Tyler Stiles  
Dustin Watters  
Kylie Cooper, AAG  
Liz Stevens, AAG

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### MEETING PLACE: MEETING PLACE:

If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on December 6, 2022 at 9:30AM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Roberts called the meeting to order at 10:00AM. Members Corbett, Matherly, Roberts, Sanders, and Vice were present. Members Coble and Highberger were absent. A quorum was always present



Motion by Vice second by Corbett to approve the November 10, 2022 Regular Board meeting minutes. The motion passed with members Roberts and Sanders abstaining.

Dustin Pierce with OKFDA provided the following update: Last Call CE-December 4<sup>th</sup> and 5<sup>th</sup> at Barnes Friederich Funeral Home had 186 attendees. OKFDA renewals conclude January 31, 2023

OID provided the following update: Gloria Light is the new Funeral Home Analyst and is working through getting trust funds through the audit process. OID is also working on changing legislation to convert trusts to insurance backed products.

Motion by Vice second by Roberts to dismiss complaint 23-04 regarding Next of Kin Issues. The motion passed unanimously.

Motion by Vice second by Roberts to find probable cause on complaint 23-07 regarding Providing False Information to the Board. The motion passed unanimously.

Motion by Vice second by Sanders to find probable cause on complaint 23-13 regarding Pre-Need and DC Issues. The motion passed unanimously.

Motion by Vice second by Roberts to dismiss complaint 23-18 regarding Next of Kin and DC Issues. The motion passed unanimously

Motion by Vice second by Roberts to find probable cause on complaint 23-23 regarding Body Intake Log issues. The motion passed unanimously

Motion by Roberts second by Matherly to find probable cause on complaint 23-25 regarding Messy Prep Room. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 19-36 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Complaint 20-39 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr., FDIC, Enid. Complaint 21-55 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Respondent did not appear. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members

Corbett, Matherly, Roberts, and Sanders heard the case. Member Vice was recused from the case and he left the room.

After an update of all three complaints regarding continued discussion between both parties from Kylie Cooper, AAG, motion by Corbett second by Sanders to continue 19-36, 20-39, 21-55. The motion passed unanimously.

Regarding the matters for consideration: Motion to Dismiss: Complaint 20-14 Schaudt's Glenpool Funeral Serv. & Cremation Care, Establishment, Glenpool; Cremation Care Centers, Crematory, Glenpool; Schaudt's Glenpool Funeral Service Inc., Owner, Glenpool; Daniel Schaudt and Stephen Schaudt, FDIC, Glenpool. Complaint 20-16 Schaudt's Glenpool Funeral Serv. & Cremation Care, Establishment, Glenpool; Cremation Care Centers, Crematory, Glenpool; Schaudt's Glenpool Funeral Service Inc., Owner, Glenpool; Daniel Schaudt and Stephen Schaudt, FDIC, Glenpool. Complaint 23-05 Oklahoma Cremation Centers, Crematory, Glenpool; Schaudt's Family Funeral Service LLC, Owner, Glenpool; Lane Pilkington, FDIC, Okmulgee Respondents' attorney appeared in person. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Matherly, Roberts, and Sanders heard the case. Member Vice was recused from the case and he was already out of the room. Member Corbett recused and left the room.

After the presentation of the Motion to Dismiss for complaints 20-14, 20-16, and 23-05, motion by Sanders second by Matherly to enter executive session. The motion passed unanimously.

Motion by Matherly second by Roberts to exit executive session. While in executive session, no other votes were taken and only these complaints were discussed.

Motion by Sanders second by Matherly to Dismiss complaints 20-14, 20-16, and 23-05. The motion passed unanimously.

Members Corbett and Vice reentered the room.

Motion by Vice second by Sanders to approve the following: Apprenticeship (Original) Jessica Ramirez, Purcell, Wadley FS, Purcell; Madison Brock, Pryor, Smith & Kernke, OKC; Sarah Brown, Bartlesville, Stumpff FH, Bartlesville; Benjamin Young, Purcell, Wilson-Little FH, Purcell. The motion passed unanimously.

Motion by Vice second by Roberts to deny the following: Apprenticeship (1st Extension) Matthew Taylor, Bartlesville, Davis Family FH, Bartlesville. The motion passed unanimously.

Motion by Vice second by Sanders to approve the following: Apprenticeship (1st Extension). Chad Kaminski, Ada, Criswell FH, Ada; Yobana Cordoba, Edmond, Advantage FH, OKC; Mackenzie Parks, (EM Only), OKC, OMS, OKC; Jonathan Bland, Yukon, McNeils, Mustang. The motion passed unanimously.

Motion by Vice second by Sanders to approve the following: Apprenticeship (2nd Extension). Andrew Haire, Vinita, Highsmith FH, Vinita. The motion passed unanimously.

Motion by Vice second by Sanders to table the following: Funeral Director and/or Embalmer (Reciprocal), Kyle Dungan, Texas. The motion passed unanimously.

Motion by Vice second by Sanders to approve the following: Funeral Director and/or Embalmer (Reciprocal), Richard Kelley Dixon, North Carolina (EM Only). The motion passed unanimously.

Motion by Vice second by Sanders to table the following: Funeral Director and/or Embalmer (Reciprocal), Stuart Thompson, Texas; Desirae Davis, Iowa (EM Only); April Bellotte, Texas (EM Only). The motion passed unanimously.

Motion by Vice second by Sanders to approve the following: Funeral Director and/or Embalmer (Original) Cadyn Brice, Enid. The motion passed unanimously.

Motion by Vice second by Sanders to table the following: Funeral Director and/or Embalmer (Original), Paige Goodman, OKC. The motion passed unanimously.

Motion by Vice second by Sanders to approve the following: Funeral Director and/or Embalmer (Original) Sean DeNike, McAlester (FD Only); Edward Eschiti, Walters (FD Only). The motion passed unanimously.

Motion by Vice second by Sanders to table the following: Funeral Director and/or Embalmer (Original), Rulon Davis Sr, Edmond (FD Only); Jennifer Pointer, Durant (FD Only). The motion passed unanimously.

Motion by Roberts second by Sanders to approve the following: Establishments, Ladusau-Evans Funeral Home, Enid request name change to Ladusau-Evans Funeral Home and Crematory. The motion passed unanimously.

Motion by Roberts second by Sanders to approve the following: Crematories, McElyea & Owens Cremation Services, New Crematory, Shawnee, McElyea-Owens Funeral Group LLC, Owner, Michael McElyea, FDIC; Crematory of Enid, New Crematory, Enid, Crematory of Enid, LLC, Owner, Joe Highberger, FDIC. The motion passed unanimously.

There was no New Business

Agency Financial update- Mr. Stiles reported gross receipts for November 2022 to be \$64,370.50 with \$4,787.05 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$39,201.33 and net income after expenses totaled \$20,382.12. Staff has started receiving renewals and most individuals are able to renew online without any issues.

Motion by Sanders second by Matherly to form a committee to handle rule interpretations for the current request and for the upcoming year. Those committee members are Kylie Cooper AAG, Joe Highberger, Tyler Stiles, and Chad Vice.

Motion by Sanders second by Corbett to adjourn the meeting at 10:53AM. The motion passed unanimously.

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Jim Roberts  
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD**

IN THE MATTER OF THE COMPLAINT )  
AGAINST: )

AMY STITTSWORTH FUNERAL SERV. )  
& CREMATION DIRECTORS, INC. )

Establishment License Number 1709ES, )

Location: 2420 North Washington )

Enid, OK 73701 )

Mailing Address: 2420 N. Washington )

Enid, OK 73701 )

Owned by: Amy Stittsworth Funeral Serv. )

& Cremation Directors, Inc., )

Amy Stittsworth, Service Agent )

1314 W. Elm )

Enid, OK 73703 )

WILLIAM STITTSWORTH, JR. )

Licenses: 2357FD and 2500EM, )

Address: 1314 W. Elm )

Enid, OK 73703 , )

A Licensed Funeral Director and Embalmer, )

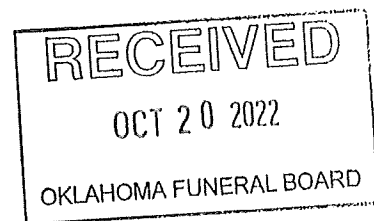
And Funeral Director in Charge of )

AMY STITTSWORTH FUNERAL SERV. )

& CREMATION DIRECTORS, INC. )

Respondents. )

Complaint No. 19-36



**COMPLAINT AND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and alleges that the Respondents, operating under licenses issued by the Board, have violated provisions of the State Funeral Services Licensing Act ("Act") 59 O.S. Section 395.1, *et seq.*, (the "Act") and of the Board, OAC 235:10-1-1, *et seq.*, (the "Rules"), in the manner set forth below:

### **A. Factual Allegations**

1. Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. ("FUNERAL HOME") is a licensed funeral establishment in the State of Oklahoma, located at 2420 N. Washington, Enid, Oklahoma 73701, with establishment license number 1709ES, and is owned by AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., Amy Stittsworth, Service Agent, 1314 W. Elm, Enid, Oklahoma 73703, and as such, AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., is liable and responsible for any penalty imposed in these proceedings.

2. Respondent WILLIAM STITTSWORTH, JR. ("STITTSWORTH") is a funeral director and embalmer with license numbers 2357FD and 2500EM, and was the Funeral Director in Charge at the funeral home at all relevant times. As the Funeral Director in Charge, WILLIAM STITTSWORTH, JR. was responsible for the establishment's legal and ethical operations pursuant to 59 O.S. §396.2(12).

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. Section 396.2a(9) and (11).

4. On March 20, 2019, the Board received a complaint from the Investigator for the Oklahoma Funeral Board alleging the Respondents had wrongfully charged consumers an additional fee for clerical and administrative services for submitting documentation for reimbursement of certain Statements of Goods and Services to the Oklahoma Crime Victims Compensation Board, and that such additional charge was not included on the Respondent's Statements of Goods and Services.

5. On March 20, 2019, the Board issued a letter of notification requesting that the Respondents submit a response to the Complaint. On April 5, 2019, the Respondents submitted as response, through their attorney, W. A. Drew Edmondson of Riggs Abney, which in relevant part contends:

“1. The \$300 Victims Compensation assignment fee was not for completing paperwork. It was a fee charged when the general policy of ‘All payments are due at the time of arrangements’ is waived for the purpose of allowing a family to pursue victims compensation funeral payment. In those rare cases, payment is at best delayed for up to a year and in a worst-case situation, may not be paid at all if the claim is denied by the Victims Compensation Board. This fee is atypical and is fully explained at the time arrangements are made. It is not on the general price list because it is so rarely an issue, but if the Board believes it should be listed on all form and is required by Board or FTC rule, please so advise.”

6. This matter was presented to the Board on July 9, 2020 for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

7. The State has clear and convincing evidence of the facts alleged herein and that the violations alleged above occurred.

#### **ALLEGED CONCLUSIONS OF LAW**

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(5) and (8) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (5) Violation of any of the provisions of the Funeral Services Licensing Act ;
  - (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;
2. Pursuant to 59 O.S. § 396.12C(14), the Board can refuse to issue or renew, or may revoke or suspend any license for “failing to comply with the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a);

3. Oklahoma Administrative Procedures Act (“OAC”) 235:10-7-2(26)(b)(i) requires, “A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.”

4. As the Funeral Director in Charge, Respondent WILLIAM STITTSWORTH, JR. is responsible for the legal and ethical operations of the funeral service establishment and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. Section 396.12(C). “Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.”

59 O.S. Section 396.2(12). The “ ‘Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

5. Respondents violated OAC 235: 10-7-2(4)(B) and (C), which requires a licensee to provide an itemized, accurate statement of goods and services provided. Further, “if prices are not known or reasonably ascertainable, a good faith estimate shall be given and a statement of the actual charges shall be provided before the final bill is paid; and the total cost of the goods and services.” The statement of goods and services at issue included a \$500 “victim compensation assessment,” which was listed after the total. The immediate next line reflects the added fee, showing the increased total. According to the statement provided by Respondents, they then billed the State Victim’s Compensation Fund the increased amount. It appears this fee was added simply because the decedent was the victim of a crime and Respondents were seeking reimbursement.



6. For the violations alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents are subject to disciplinary action by the Board pursuant to 59 O.S. Sections 396.2a(9), 396.12d and 396.12e, and 59 O.S. Sections 396.12c(5)(violation of the FSLA) and (8)(violation of Board rules).

### AUTHORIZED PENALTIES

The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

1. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

2. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

#### MEETING PLACE:

**In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

**Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

**Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



Kylie Cooper

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as indicated below as follows:

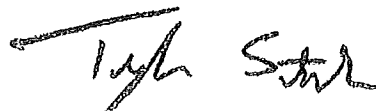
**SERVED BY CERTIFIED MAIL**

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
2420 N. Washington  
Enid, OK 73701

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
Attn: Amy Stittsworth, Service Agent  
1314 W. Elm  
Enid, OK 73703

WILLIAM STITTSWORTH, JR.  
1314 W. Elm  
Enid, OK 73703

W.A. Drew Edmondson, Esq.  
Riggs Abney  
528 NW 12<sup>th</sup> Street  
Oklahoma City, OK 73103-2407



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Tyler Stiles  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD**

**IN THE MATTER OF THE COMPLAINT** )  
**AGAINST:** )

**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

**Establishment License Number 1709ES,** )  
Location: 2420 North Washington )  
Enid, OK 73701 )

**Complaint No. 20-39**

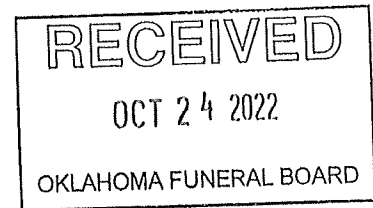
Mailing Address: 2420 N. Washington )  
Enid, OK 73701 )

**Owned by: Amy Stittsworth Funeral Serv.** )  
**& Cremation Directors, Inc.,** )  
Amy Stittsworth, Service Agent )  
1314 W. Elm )  
Enid, OK 73703 )

**WILLIAM STITTSWORTH, JR.** )  
**Licenses: 2357FD and 2500EM,** )  
Address: 1314 W. Elm )  
Enid, OK 73703 , )

**A Licensed Funeral Director and Embalmer,** )  
**And Funeral Director in Charge of** )  
**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

Respondents. )



**COMPLAINT AND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and alleges that the Respondents, operating under licenses issued by the Board, have violated provisions of the State Funeral Services Licensing Act ("Act") 59 O.S. Section 395.1, *et seq.*, (the "Act") and of the Board, OAC 235:10-1-1, *et seq.*, (the "Rules"), in the manner set forth below:

### **A. Factual Allegations**

1. Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. (“FUNERAL HOME”) is a licensed funeral establishment in the State of Oklahoma, located at 2420 N. Washington, Enid, Oklahoma 73701, with establishment license number 1709ES, and is owned by AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., Amy Stittsworth, Service Agent, 1314 W. Elm, Enid, Oklahoma 73703, and as such, AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., is liable and responsible for any penalty imposed in these proceedings.

2. Respondent WILLIAM STITTSWORTH, JR. (“STITTSWORTH”) is a funeral director and embalmer with license numbers 2357FD and 2500EM, and was the Funeral Director in Charge at the funeral home at all relevant times. As the Funeral Director in Charge, WILLIAM STITTSWORTH, JR. was responsible for the establishment’s legal and ethical operations pursuant to 59 O.S. §396.2(12).

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. Section 396.2a(9) and (11).

4. On February 25, 2020, the Board received a complaint from Chad Estes of Estes-Phillips Funeral Home in Ada, Oklahoma.

5. Board staff issued a letter of notification on February 28, 2020, requesting that the Respondents submit a response to the complaint, which notice the Respondents received on March 2, 2020. On March 6, 2020, Respondents submitted a response.

7. Respondents argue that no violation has occurred. The advertisement at issue, is for “DFS Memorials,” which is a “network of local, family owned and operated

funeral homes and cremation providers who offer lower cost death care alternatives,” according to their ad. In their response, Respondents state that DFS Memorials is “a marketing and lead generation membership scheme,” and “we specifically name the local member funeral home online and the calls go directly to the funeral home.”

8. DFS Memorials advertisements claim that STITTSWORTH FUNERAL HOME has locations in Ada, Broken Arrow, Lawton, and Norman, among others. Finally, Respondents claim they are merely marketing materials, and DFS directly connects them to the consumer.

9. This matter was presented to the Board on April 9, 2020 for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

10. The State has clear and convincing evidence of the facts alleged herein and that the violations alleged above occurred.

#### **ALLEGED CONCLUSIONS OF LAW**

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(5) and (8) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (5) Violation of any of the provisions of the Funeral Services Licensing Act ;
- (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;

2. Oklahoma Administrative Procedures Act (“OAC”) 235:10-7-2(17) prohibits the following types of advertising:

- (17) **False or misleading advertising.** The use of false or misleading advertising or advertising a name other than the name the individual or establishment is licensed as.

3. OAC 235:10-15-3(4) prohibits an advertisement from containing “any name other than the name the establishment or individual is licensed as”.

4. Under OAC 235:10-3-2(2), “[o]nly one establishment license shall be issued to a specific address.” The “STITTSWORTH FUNERAL HOME” at the Ada, Oklahoma, location had not been issued a funeral service establishment license at the times in question. The Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. is licensed at the Enid location, not at the Ada location.

5. Further, the statute mandating the name by which a funeral home may advertise, 59 O.S. § 396.12(B), requires that the funeral home “shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.” Thus, the advertising by Respondents of “STITTSWORTH FUNERAL HOME” in Ada, Oklahoma, constitutes the advertising of establishment names other than names that had been licensed by the Board and is a violation of 59 O.S. § 396.12(B) for which discipline may be imposed under 59 O.S. § 396.12c(5).

5. Respondents’ advertising of an establishment name for a location in Ada, for which location no license has been issued, constitutes a violation of 59 O.S. Section 396.12c(5) by violating 59 O.S. Section 396.12(B) and of 59 O.S. Section 396.12c(8) by violating rules of the Board, including but not limited to OAC 235:10-3-2(2) and (4), 235:10-7-2(17) and OAC 235:10-15-3(4).

6. As the Funeral Director in Charge, Respondent WILLIAM STITTSWORTH, JR. is responsible for the legal and ethical operations of the funeral service establishment and is accountable to the Board under 59 O.S. §396.2(12).



59 O.S. Section 396.12(C). “Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.”

59 O.S. Section 396.2(12). The “ ‘Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

7. For the violations alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents are subject to disciplinary action by the Board pursuant to 59 O.S. Sections 396.2a(9), 396.12d and 396.12e, and 59 O.S. Sections 396.12c(5)(violation of the FSLA) and (8)(violation of Board rules).

### **AUTHORIZED PENALTIES**

1. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

2. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and

---

<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

3. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

#### **In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

#### **Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

#### **Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as indicated below as follows:

**SERVED BY CERTIFIED MAIL**

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
2420 N. Washington  
Enid, OK 73701

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
Attn: Amy Stittsworth, Service Agent  
1314 W. Elm  
Enid, OK 73703

WILLIAM STITTSWORTH, JR.  
1314 W. Elm  
Enid, OK 73703



---

Tyler Stiles  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD**

**IN THE MATTER OF THE COMPLAINT** )  
**AGAINST:** )

**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

**Establishment License Number 1709ES,** )  
**Location:** 2420 North Washington )  
Enid, OK 73701 )

**Complaint No. 21-55**

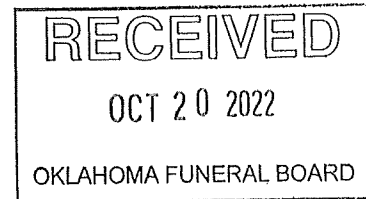
**Mailing Address:** 2420 N. Washington )  
Enid, OK 73701 )

**Owned by: Amy Stittsworth Funeral Serv.** )  
**& Cremation Directors, Inc.,** )  
Amy Stittsworth, Service Agent )  
1314 W. Elm )  
Enid, OK 73703 )

**WILLIAM STITTSWORTH, JR.** )  
**Licenses:** 2357FD and 2500EM, )  
**Address:** 1314 W. Elm )  
Enid, OK 73703 , )

**A Licensed Funeral Director and Embalmer,** )  
**And Funeral Director in Charge of** )  
**AMY STITTSWORTH FUNERAL SERV.** )  
**& CREMATION DIRECTORS, INC.** )

Respondents. )



**COMPLAINT AND NOTICE OF HEARING**

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through its attorney of record, Kylie Cooper, Assistant Attorney General, and alleges that the Respondents, operating under licenses issued by the Board, have violated provisions of the State Funeral Services Licensing Act ("Act") 59 O.S. Section 395.1, *et seq.*, (the "Act") and of the Board, OAC 235:10-1-1, *et seq.*, (the "Rules"), in the manner set forth below:

### **A. Factual Allegations**

1. Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. ("FUNERAL HOME") is a licensed funeral establishment in the State of Oklahoma, located at 2420 N. Washington, Enid, Oklahoma 73701, with establishment license number 1709ES, and is owned by AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., Amy Stittsworth, Service Agent, 1314 W. Elm, Enid, Oklahoma 73703, and as such, AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC., is liable and responsible for any penalty imposed in these proceedings.

2. Respondent WILLIAM STITTSWORTH, JR. ("STITTSWORTH") is a funeral director and embalmer with license numbers 2357FD and 2500EM, and was the Funeral Director in Charge at the funeral home at all relevant times. As the Funeral Director in Charge, WILLIAM STITTSWORTH, JR. was responsible for the establishment's legal and ethical operations pursuant to 59 O.S. §396.2(12).

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. Section 396.2a(9) and (11).

4. On June 25, 2021, the Board received a complaint from Preston Childress of Trout Funeral Home in Ponca City, Oklahoma.

5. Board staff issued a letter of notification on June 29, 2021, requesting that the Respondents submit a response to the complaint. On July 12, 2021 Respondents submitted a response.

6. Respondents deny advertising a location in Ponca City. They state that when they submitted the obituary in question, it contained their Enid location and did not say

Ponca City. The obituary was posted on a website owned by Consolidated Funeral Services.

7. Respondents also argue that they have third party witnesses who can confirm that the original obituary submitted by them did not include Ponca City and in fact said Enid.

8. This matter was presented to the Board on August 11, 2022 for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

9. The State has clear and convincing evidence of the facts alleged herein and that the violations alleged above occurred.

#### **ALLEGED CONCLUSIONS OF LAW**

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(5) and (8) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (5) Violation of any of the provisions of the Funeral Services Licensing Act ;
- (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;

2. Oklahoma Administrative Procedures Act (“OAC”) 235:10-7-2(17) prohibits the following types of advertising:

- (17) **False or misleading advertising.** The use of false or misleading advertising or advertising a name other than the name the individual or establishment is licensed as.

3. OAC 235:10-15-3(4) prohibits an advertisement from containing “any name other than the name the establishment or individual is licensed as”.

4. Under OAC 235:10-3-2(2), “[o]nly one establishment license shall be issued to a specific address.” The “STITTSWORTH FUNERAL HOME” at the Ponca

City, Oklahoma, location had not been issued a funeral service establishment license at the times in question. The Respondent AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC. is licensed at the Enid location, not at the Ponca City location.

5. Further, the statute mandating the name by which a funeral home may advertise, 59 O.S. § 396.12(B), requires that the funeral home “shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.” Thus, the advertising by Respondents of “STITTSWORTH FUNERAL HOME” in Ponca City, Oklahoma, constitutes the advertising of establishment names other than names that had been licensed by the Board and is a violation of 59 O.S. § 396.12(B) for which discipline may be imposed under 59 O.S. § 396.12c(5).

6. Respondents’ advertising of an establishment name for a location in Ponca, for which location no license has been issued, constitutes a violation of 59 O.S. Section 396.12c(5) by violating 59 O.S. Section 396.12(B) and of 59 O.S. Section 396.12c(8) by violating rules of the Board, including but not limited to OAC 235:10-3-2(2) and (4), 235:10-7-2(17) and OAC 235:10-15-3(4).

7. As the Funeral Director in Charge, Respondent WILLIAM STITTSWORTH, JR. is responsible for the legal and ethical operations of the funeral service establishment and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. Section 396.12(C). “Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.”

59 O.S. Section 396.2(12). The “ ‘Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or



crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

8. For the violations alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents are subject to disciplinary action by the Board pursuant to 59 O.S. Sections 396.2a(9), 396.12d and 396.12e, and 59 O.S. Sections 396.12c(5)(violation of the FSLA) and (8)(violation of Board rules).

### AUTHORIZED PENALTIES

1. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

2. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

3. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **November 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

**In-Person**  
Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

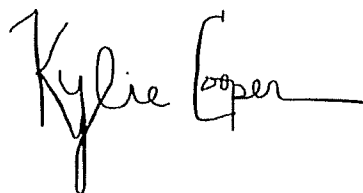
**Videoconference**  
<https://oklahomafuneralboard.my.webex.com/join/Funeralboard>

The Board asks that only the Respondents use the video camera function.

**Telephone**  
1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with the first name "Kylie" being more prominent than the last name "Cooper".

---

Kylie Cooper, OBA # 32758

Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov  
Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as indicated below as follows:

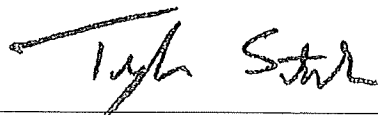
**SERVED BY CERTIFIED MAIL**

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
2420 N. Washington  
Enid, OK 73701

AMY STITTSWORTH FUNERAL SERV. & CREMATION DIRECTORS, INC.  
Attn: Amy Stittsworth, Service Agent  
1314 W. Elm  
Enid, OK 73703

WILLIAM STITTSWORTH, JR.  
1314 W. Elm  
Enid, OK 73703

CRAIG RIFFEL  
3517 W Owen K. Garriott, Suite 1  
Enid, OK 73703\



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Tyler Stiles  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**WHARTON FUNERAL CHAPEL LLC**

A Licensed Funeral Establishment,  
Establishment License # 1006ES  
1302 Oklahoma Blvd  
Alva, OK 73717

**owned by:**

**WHARTON FUNERAL CHAPEL LLC**

1302 Oklahoma Blvd  
Alva, OK 73717

**ROBERT WHARTON**

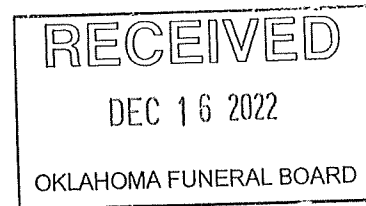
Licenses: 2279FD and 2426EM,  
Address: 1302 Oklahoma Blvd  
Alva, OK 73717

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**WHARTON FUNERAL CHAPEL LLC,**

**Respondents.**

**Complaint No. 23-14**



**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, WHARTON FUNERAL CHAPEL LLC, WHARTON FUNERAL CHAPEL, LLC., and ROBERT WHARTON, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

## **JURISDICTION**

1. Respondent WHARTON FUNERAL CHAPEL LLC (“Funeral Home”) is licensed by the Board, establishment license number 1006ES, and is located at 1302 Oklahoma Blvd, Alva, OK 73717.

2. Respondent ROBERT WHARTON (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2279FD and 2426EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent WHARTON FUNERAL CHAPEL LLC (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent ROBERT WHARTON is the owner and registered agent for Respondent WHARTON FUNERAL CHAPEL LLC

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

## **FACTUAL ALLEGATIONS**

5. On or about September 12, 2022, Board staff conducted an inspection of the Funeral Home and determined that there was a deficiency issue regarding caskets on display without a visible retail price.

6. On September 20, 2022, Board staff filed a complaint with the Board, alleging that Respondents had failed to display the retail price of caskets for sale in violation of 36 O.S. § 6127. The Board provided Respondents with the Notice of Complaint via certified mail, and the receipt was returned on September 26, 2022.

7. On October 4, 2022, Respondents filed their response to Complaint 23-14 with the Board. Respondents stated that the casket had recently been moved to the sales floor and indicated that the problem had been remedied. Respondent did include photographs showing that there were now prices visible next to each casket.

8. By public vote during the meeting on November 10, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

10. Respondents violated 36 O.S. § 6127 by failing to have retail prices visible on caskets for sale. The relevant statute, 36 O.S. § 6127, provides:

Any organization or person offering for sale caskets or other articles of merchandise incidental to burial or funeral services shall prominently display thereon the retail price of said caskets, or other articles of merchandise

11. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent ROBERT WHARTON, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

12. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

#### **AUTHORIZED PENALTIES**

13. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related

violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

14. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

15. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **January 12, 2023 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).



Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with the first name "Kylie" written in a larger, more prominent script than the last name "Cooper".

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

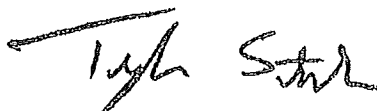
I hereby certify that on the 16<sup>th</sup> day of December, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

WHARTON FUNERAL CHAPEL LLC  
1302 Oklahoma Blvd  
Alva, OK 73717

WHARTON FUNERAL CHAPEL LLC  
1302 Oklahoma Blvd  
Alva, OK 73717

ROBERT WHARTON  
1302 Oklahoma Blvd  
Alva, OK 73717

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**PEOPLE'S COOPERATIVE FUNERAL HOME**

A Licensed Funeral Establishment,  
Establishment License # 1158ES  
PO BOX 146  
Lone Wolf, OK 73655

**owned by:**

**PEOPLE'S COOPERATIVE FUNERAL  
HOME, INC.**

1400 West Main  
Lone Wolf, OK 73655

**ESSIE SMITH**

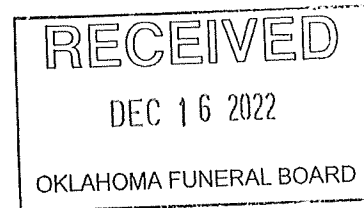
Licenses: 2242FD and 2390EM,  
Address: PO Box 6  
Lone Wolf, OK 73655

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**PEOPLE'S COOPERATIVE FUNERAL HOME,**

**Respondents.**

**Complaint No. 23-08**



**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, PEOPLE'S COOPERATIVE FUNERAL HOME, PEOPLE'S COOPERATIVE FUNERAL HOME, INC., and ESSIE SMITH, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

## **JURISDICTION**

1. Respondent PEOPLE'S COOPERATIVE FUNERAL HOME ("Funeral Home") is licensed by the Board, establishment license number 1158ES, and is located at 1400 West Main, Lone Wolf, OK 73655.

2. Respondent ESSIE SMITH ("Funeral Director in Charge" or "FDIC") is licensed by the Board as a funeral director and embalmer, license numbers 2242FD and 2390EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent PEOPLE'S COOPERATIVE FUNERAL HOME, INC. ("Owner") is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent ESSIE SMITH is the owner and registered agent for Respondent PEOPLE'S COOPERATIVE FUNERAL HOME, INC.

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

## **FACTUAL ALLEGATIONS**

5. On or about August 30, 2022, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the "Log") was deficient: not all bodies received at the Funeral Home were listed in the Log; the Funeral Director In Charge was not listed on the body intake log; there were no dates or times reflecting when the bodies were received; there were no dates or times under the "care given" column; the dates and times of embalming were not listed in the Log; the embalmer did not sign the Log under the "embalmer signature;" and the embalmer's name, signature, and license number were not in the Log.

6. On August 31, 2022, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii) and O.A.C. 235:10-3-2(10). The Board provided Respondents with the Notice of Complaint via certified letter, which was delivered on September 6, 2022.

7. On September 12, 2022, Respondents filed their response to Complaint 23-08 with the Board. Respondents stated that they accepted full responsibility and apologized.

8. By public vote during the meeting on October 13, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

10. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

11. Respondents violated O.A.C. 235:10-3-2(10) by failing to list the FDIC on the Log. The relevant Rule, O.A.C. 235:10-3-2(10), with emphasis added, provides:

**Funeral Director in Charge.** The Funeral Director in Charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and **on the body intake log.**

12. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent ESSIE SMITH, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

13. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

### **AUTHORIZED PENALTIES**

14. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

15. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

16. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

## NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **JANUARY 12, 2023 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

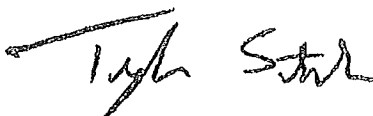
I hereby certify that on the 16<sup>th</sup> day of December, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

PEOPLE'S COOPERATIVE FUNERAL HOME  
PO BOX 146  
Lone Wolf, OK 73655

PEOPLE'S COOPERATIVE FUNERAL HOME, INC.  
1400 West Main  
Lone Wolf, OK 73655

ESSIE SMITH  
PO BOX 6  
Lone Wolf, OK 73655



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Tyler Stiles, MBA  
Executive Director